



MAYOR AND COUNCIL REGULAR MEETING NOTICE & AGENDA

WELCOME!

The City of Tucson has a council-manager form of government. Policies are set by the Mayor and Council, who are elected by the people. Policies are carried out by the City Manager, who is appointed by the Mayor and Council. The Mayor and Council decides what is to be done; the City Manager, operating through the entire city staff, does it.

REGULAR COUNCIL MEETINGS

The Mayor and Council usually meet
at 2:00 p.m. on the first and third Mondays of the month, and
at 7:30 p.m. on the second and fourth Mondays of the month.

Copies of the agenda are available during the meeting. Additionally, the agenda as well as reference documents and proposed ordinances and resolutions are available in the City Clerk's office prior to each meeting.

To better serve everyone in the community, the chambers is wheelchair accessible, an assistive listening system for the hearing impaired is in place and closed captioning is available on cable television. A request for reasonable accommodation for persons with disabilities must be made in the City Clerk's Office by parties at least two (2) working days in advance of the scheduled meeting and can be made by calling 791-4213 or 791-2639 (TDD).

Ordinances and resolutions, the laws of Tucson, are considered during regular meetings. Those adopted with the emergency clause and the affirmative vote of five members of the Council, take effect immediately. Those adopted without the emergency clause take effect thirty days after passage. Unless the Mayor or a member of the Council requests that an ordinance or resolution be read in full, it is read by number and title only. Routine items are scheduled under the heading of Consent Agenda, which allows a number of actions to occur with a single motion.

PARTICIPATION BY THE PUBLIC

Persons attending the meeting shall observe rules of propriety, decorum, and good conduct, and refrain from impertinent or slanderous remarks. Violation of this rule shall result in such persons being barred from further audience before the governing body. A copy of the complete rules and regulations may be obtained from the City Clerk. Please turn off or put in vibrate mode all communication devices (pagers/cell phones).

The Mayor and Council often schedule public hearings on topics of interest. Pursuant to Mayor and Council Rules and Regulations, public hearings last one hour. Interested persons are invited to attend and offer comments. Additionally, Call to the Audience is reserved for comments from the public.

To address the Mayor and Council:

- Complete a speakers card and deposit it in the tray on the podium. Upon being recognized, state your name and address before proceeding into your subject matter. Speakers are limited to five-minute presentations.
- Submit written comments to the Mayor and Council (via the City Clerk) prior to and during the meeting.
- Call the Mayor and Council Citizen Comment Line at 791-4700.

Robert E. Walkup
Mayor

Shirley C. Scott
Vice Mayor

Council Members

José J. Ibarra
Ward 1

Carol W. West
Ward 2

Kathleen Dunbar
Ward 3

Shirley C. Scott
Ward 4

Steve Leal
Ward 5

Fred Ronstadt
Ward 6

Revisions to the agenda can occur up to 24 hours prior to the meeting. Contact the City Clerk at 791-4213 (TTD: 791-2639, FAX: 791-4017 or WEB SITE: <http://www.ci.tucson.az.us/clerks>), 9th floor, City Hall, 255 W. Alameda for up-to-date information Monday thru Friday, 8 a.m. to 5 p.m. [holidays excepted]. Live coverage of meeting is cablecast on Tucson 12 and on Comcast Channel 59 (Mondays only). In addition, replays of the meetings are cablecast on Tucson 12 as follows:

Tuesdays 9:00 p.m.
Wednesdays 9:00 a.m.
Sundays 9:00 a.m.

(VHS) tapes of meetings are available at the Tucson Main Library.



MAYOR & COUNCIL MEETING NOTICE & AGENDA

REGULAR MEETING

MONDAY, SEPTEMBER 15, 2003 – 2:00 P.M.
MAYOR AND COUNCIL CHAMBERS
(CITY HALL, 255 WEST ALAMEDA, TUCSON, ARIZONA)

1. ROLL CALL

2. INVOCATION AND PLEDGE OF ALLEGIANCE

INVOCATION – Reverend DeeDee Azhikakath of St. Mark's United Methodist Church

PLEDGE OF ALLEGIANCE – Mayor and Council and public in attendance

PRESENTATION

- (a) Presentation of the ENERGY STAR Label for Buildings award from the Environmental Protection Agency/Department of Energy to Community Services for the Santa Rita Building.

3. MAYOR AND COUNCIL REPORT: SUMMARY OF CURRENT EVENTS

- (a) Report from City Manager SEPT15-03-490 CITY-WIDE

4. CITY MANAGER'S REPORT: SUMMARY OF CURRENT EVENTS

- (a) Report from City Manager SEPT15-03-491 CITY-WIDE

5. CALL TO THE AUDIENCE:

At this time, any member of the public is allowed to address the Mayor and City Council on any issue *not listed on today's agenda*. Pursuant to the Arizona Open Meeting Law, individual Council Members may ask the City Manager to review the matter, ask that the matter be placed on a future agenda, or respond to criticism made by speakers. However, the Mayor and Council may not discuss or take legal action on matters raised during "call to the audience."

COUNCIL MEMBER IBARRA

6. CONSENT AGENDA – ITEMS A THROUGH I

FOR COMPLETE DESCRIPTION OF ITEMS
SEE ATTACHED CONSENT AGENDA

Matters listed under the Consent Agenda are considered to be routine and will be enacted by one motion and one vote. There will be separate discussion of these items. If discussion is desired by members of the governing body, that item will be removed from the Consent agenda and will be considered separately.

7. LIQUOR LICENSE APPLICATIONS

(a) Report from City Manager SEPT15-03-498 CITY-WIDE

(b) LIQUOR LICENSE APPLICATION(S)

New License(s)

- | | | |
|-----|--------------------------------------------------------------------------------------------------------------------------------------------------------------------------|---------------------------------------------------------------------------------------------------------------|
| (1) | GEE’S GARDEN RESTAURANT
1145 N. Alvernon Way
Applicant: Dudley Gee
City #061-03, located in Ward 6
Series #12
Action must be taken by: September 27, 2003 | <u>Staff Recommendation</u>

Police: In Compliance
DSD: In Compliance
Bus. License: DENIED |
| (2) | COACH’S DELI
1745 E. River Road #165
Applicant: Timothy E. Hibsman
City #063-03, located in Ward 3
Series #12
Action must be taken by: October 3, 2003 | <u>Staff Recommendation</u>

Police: In Compliance
DSD: In Compliance
Bus. License: In Compliance |

NOTE: State law provides that for a new license application, “In all proceedings before the governing body of a city...the applicant bears the burden of showing that the public convenience requires and that the best interest of community will be substantially served by the issuance of a license”. (A.R.S. Section 4-201)

Person Transfer

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|-----|------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|---------------------------------------------------------------------------------------------------------------|
| (3) | BEST WESTERN EXECUTIVE INN
333 W. Drachman
Applicant: Panagiotis Lembessis
City #064-03, located in Ward 3
Series #6
Action must be taken by: October 4, 2003 | <u>Staff Recommendation</u>

Police: In Compliance
DSD: In Compliance
Bus. License: DENIED |
|-----|------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|---------------------------------------------------------------------------------------------------------------|

NOTE: For a person to person transfer, Mayor and Council may consider both the applicant's capability, qualifications and reliability

Person/Location Transfer(s)

- | | | |
|-----|------------------------------------------------------------------------------------------------------------------------------------------------------------------------|---------------------------------------------------------------------------------------------------------------|
| (4) | QUICK STOP
1002 W. Congress Street
Applicant: Dharmendra T. Patel
City #062-03, located in Ward 1
Series #9
Action must be taken by: September 29, 2003 | <u>Staff Recommendation</u>

Police: In Compliance
DSD: DENIED
Bus. License: In Compliance |
|-----|------------------------------------------------------------------------------------------------------------------------------------------------------------------------|---------------------------------------------------------------------------------------------------------------|

NOTE: For a person and location transfer Mayor and Council can consider both the applicant's capability, qualifications and reliability, and location issues.

(c) Special Event(s)

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| (1) | TUCSON MUSEUM OF ART
140 N. Main Avenue
Applicant: Charlie E. Bodden
City #T067-03, located in Ward 1
Date of Event: December 13, 2003
(Members exhibition opening) | <u>Staff Recommendation</u>

Police: In Compliance
DSD: In Compliance |
| (2) | RIALTO FOUNDATION
Rialto, Congress Street between 5 th & 4 th
5 th Avenue between Congress & Broadway
Applicant: Jeb B. Schoonover
City #T081-03, located in Ward 6
Date of Event: October 4, 2003
(Fundraiser) | <u>Staff Recommendation</u>

Police: In Compliance
DSD: In Compliance |

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|----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|----------------------------------------------------------------------------------------------------------------------------------------------|
| <p>(3) UPTOWN OPTIMIST CLUB
 3400 E. Camino Campestre,
 Hi Corbett Stadium
 Applicant: Thomas F. Hogan
 City #T082-03, located in Ward 6
 Date of Event: October 2, 2003
 October 3, 2003
 October 4, 2003
 October 5, 2003
 (To raise money for the youth foundation)</p> | <p><u>Staff Recommendation</u></p> <p>Police: In Compliance
 DSD: In Compliance
 Parks & Rec.: In Compliance</p> |
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8. ELECTIONS: CANVASSING RETURNS AND DECLARING RESULTS OF THE PRIMARY ELECTION HELD SEPTEMBER 9, 2003

- (a) Report from City Manager SEPT15-03-494 CITY-WIDE

Materials for this item can be accessed on the City website and in the City Clerk's office as soon as it becomes available.

9. ZONING: (C9-03-05) COSTCO – GRANT ROAD, R-3 TO P, CITY MANAGER'S REPORT

- (a) Report from City Manager SEPT15-03-496 W2
- (b) Report from Zoning Examiner dated August 29, 2003
- (c) Request to rezone approximately 2.43 acres from R-3 (High Density Residential) to P (Off-street Parking) zoning. Applicant: Pat Nakamura of Mulvanny G2 Architecture, on behalf of the property owner, Costco Wholesale Corporation.

The rezoning site is located north of Grant Road, south of the Pantano Wash, approximately 800 feet west of the Wilmot Road alignment. The preliminary development plan is for a 98 space expansion of the parking lot serving the existing retail/commercial use.

The Zoning Examiner recommends approval of P zoning. The City Manager recommends approval of P zoning subject to the following conditions:

1. A development plan in substantial compliance with the preliminary development plan dated March 10, 2003, and the Design Compatibility Report, is to be submitted and approved in accordance with Section 5.3.8. of the *Land Use Code*.
2. No trash dumpsters, recycling bins, or similar uses are permitted within the boundaries of the parking zone (P).

3. Delivery vehicles shall not station or park outside of loading areas and/or within 300 feet of the west property line.
4. Forklifts shall not be operated outside of the building during non-delivery hours.
5. The landscape buffer along the western border of the site located within the rezoning boundary shall include the use of canopy trees, planted every 20 to 30 feet and averaging not less than every 25 feet. Trees in this border shall be of the species that will grow to a height of 30 feet in five years.
6. Outdoor lighting shall be reduced to security level between the hours of 10:00 p.m. and 7:00 a.m.
7. All outdoor lighting, pole or wall mounted shall be directed down and away from residential parcels and be as low in elevation as possible. All outdoor lighting, pole or wall mounted, within two hundred (200) feet of the west property line shall be no higher than 17 feet, measured to the light source.
8. The four (4) existing native mesquite trees, as identified on exhibit-2 of the Environmental Resource Report, shall be salvaged and transplanted on-site with a drip irrigation system. The landscape plan shall identify the four (4) native mesquites in the matrix and on site location landscape map.
9. The owner/developer agrees to convey land to either the City of Tucson or Pima County Flood Control to accommodate the trail corridor. Final approval of the development plan application will depend on the execution of the agreement between the City, County and the applicant.
10. All walls visible from a public right-of-way and/or adjacent to existing residential development, are to be graffiti-resistant and incorporate one (1) or more visually appealing design treatments, such as the use of two (2) or more decorative materials like stucco, tile, stone, or brick; a visually interesting design on the wall surface; varied wall alignments, (job, curve, notch, setback, etc.); and/or trees and shrubs in voids created by the wall variations.
11. An archaeological assessment and survey shall be performed by a qualified archaeologist before any grading or other ground modification takes place. If cultural features or remains are found, testing and data recovery shall be completed as needed. Copies of testing plans, testing reports, data recovery plans and final reports shall be submitted to and approved by the City Historic Preservation Office prior to construction work commencing. If, during construction, human remains and associated burial items are discovered, ground disturbing activities in the vicinity of the discovery will cease, the discovery site will be secured, and the Arizona State Museum will be immediately notified as required under A. R. S. 41-865.

12. "Safe by Design" concepts shall be incorporated in the subdivision plat for review by the Tucson Police Department.
13. Any relocation, modification, etc., of existing utilities and/or public improvements necessitated by the proposed development shall be at no expense to the public.
14. Five years are allowed from the date of initial authorization to comply with all Code requirements and conditions of rezoning.

Zero (0) written approvals and zero (0) written protests have been received.

10. ZONING: (SE-03-06) HOME DEPOT – ORACLE ROAD, OCR-2 ZONING, SPECIAL EXCEPTION LAND USE, CITY MANAGER'S REPORT

- (a) Report from City Manager SEPT15-03-497 W3
- (b) Report from Zoning Examiner dated August 29, 2003.
- (c) Special Exception Land Use request to allow construction of a large retail establishment. Applicant: Thomas Sayler-Brown, on behalf of the property owners, Bourn Projects, LLC.

The preliminary development plan proposes construction of an approximately 153,920 square foot home improvement store, and 356,619 square feet of other uses for a total of 510,539 square feet of retail, office and restaurant uses on a 34.32 acre site.

The site is located on the block bounded by Oracle Road on the west, Limberlost Drive on the south, Neffson Drive on the east and Wetmore Road on the north.

The Zoning Examiner recommends approval of the special exception land use request. The City Manager recommends approval of the special exception land use request subject to the attached recommended conditions:

1. A development plan, in substantial compliance with the preliminary development plan dated May 28, 2003, the elevation drawing dated April 16, 2003, the landscape plan dated May 27, 2003, and the other supporting materials submitted with the special exception land use request, and the following conditions, is to be submitted and approved in accordance with Section 5.3.8 of the *LUC*.

2. The owner/developer shall dedicate or verify the existence of right-of-way, per the *MS&R*, including intersection widening along the Oracle Road, Wetmore Road, and Limberlost Drive frontages of the site.
3. The owner/developer shall dedicate 30 foot radius spandrels at the northwest and southwest corners of the site.
4. The owner/developer shall design and construct the full *MS&R* cross-section/improvements along the Oracle Road, Wetmore Road, and Limberlost Drive frontages of the site including six (6) foot wide sidewalks.
5. Closure of any existing curb cuts that will not be used for vehicular access.
6. Access to the development shall be in accordance with Transportation Access Management Guidelines adopted March 2003.
7. The pedestrian crossing of all PAAL's, and all speed tables on Neffson Drive and Limberlost Drive, shall be brick, concrete pavers, scored patterned color concrete, or similar textured material.
8. A pedestrian system with sidewalks at least eight (8) feet wide and unobstructed shall connect the public street sidewalks, the main entrances to the large retail establishment, the other buildings on the site, any transit stops adjacent to the site, and adjacent residential neighborhoods. The pedestrian system should include an adjacent minimum three (3) foot wide landscape area to provide a microclimate of canopy trees that shade the walkways. Landscape enhancements should be provided where there are no canopy trees.
9. Provide the following public amenities: plaza and/or courtyard, pedestrian seating area, and public art installation.
10. An eight (8) foot wide sidewalk shall be provided along the full length of any building where it adjoins a parking lot.
11. The large retail establishment building shall be setback a minimum of 100 feet from the east property line and a minimum of 85 feet from the south property line.
12. Food cart/eating area associated with the large retail establishment shall be a minimum of 85 feet from the south property line.

13. Outdoor loading areas for the large retail establishment shall be a minimum of 100 feet from the east property line with an adjacent ten (10) foot tall masonry screen/noise wall except for the flatbed loading area.
14. Trash compactor shall be located a minimum of 130 feet from the east property line, and 140 feet from the south property line.
15. All loading and parking is to be located on site.
16. Delivery and loading hours shall be 7 a.m. to 10 p.m. Delivery vehicles shall not park outside of the designated loading areas within 300 feet of the east or south property lines during non-delivery hours. Delivery vehicles shall not run motors, refrigerator units, or generators within 300 feet of the east or south property lines during non-delivery hours.
17. Forklifts shall not be operated outside during non-delivery hours except within the garden center, and at the porte cochere.
18. Outdoor sales/display limited to the garden center and the outdoor display areas on the west side of the large retail establishment as shown on the preliminary development plan.
19. Outdoor storage limited to the garden center, and the product staging/temporary storage areas and pallet storage area east of the large retail establishment as shown on the preliminary development plan.
20. Outdoor sales/display and storage areas within the garden center shall not exceed the height of the walls/screening of the garden center.
21. Outdoor storage within product staging/temporary storage areas and pallet storage area shall not exceed the height of the adjacent walls.
22. Seasonal outdoor sales/display limited to the area noted on the preliminary development plan within the parking lot west of the large retail establishment building.
23. No trash removal between 4:00 p.m. and 9:00 a. m.
24. The trash facilities and loading docks shall not be visible from public streets and sidewalks, internal pedestrian walkways, or surrounding residential properties.

25. All outdoor lighting, pole or wall mounted, shall be directed down and away from residential parcels and public roadways. All outdoor lighting, pole or wall mounted, within two hundred (200) feet of the south or east property lines shall be no higher than 17 feet, measured to the light source. A photometric plan shall be submitted with the development plan that demonstrates spillover light is no greater than shown on the photometric plan submitted with the special exception request.
26. Outdoor lighting shall be low-pressure sodium between the hours of 10 p.m. and 7 a.m.
27. During hours when the large retail establishment is not open for business and employees other than security personnel have left the premises, subject to review by the Tucson Police Department, outdoor lighting shall be dimmed to no greater than required for security purposes.
28. Water harvesting techniques shall be utilized by directing roof and parking area runoff to landscape areas prior to releasing it to City drainage systems or streets.
29. The landscape borders along the east and south boundaries of the site must include the use of canopy trees, planted every 20 to 30 feet and averaging not less than one every 25 feet. Trees in this border shall be a species that will grow to a height of 30 feet in five years.
30. All walls visible from a public right-of-way are to be graffiti-resistant and incorporate one or more visually appealing design treatments, such as: the use of two or more decorative materials like stucco, tile, stone, or brick; visually interesting design on the wall surface; varied wall alignments (jog, curve, notch, setback, etc.), and/or trees and shrubbery in voids created by wall variations. A wall detail demonstrating compliance with this condition is to be included in the development plan to be reviewed.
31. All ground-mounted equipment shall be screened by a masonry wall or by appropriate landscaping. All roof-mounted equipment shall be screened by the building parapet.
32. Signage is to be integrated into the overall design of the new building, improving overall aesthetic appeal and promoting ease of use of the development.
33. Existing billboards shall be removed. If the project is phased, the billboards must be removed within two (2) years of Mayor and Council approval of the special exception.

34. Chain link fencing is not permitted except for the seasonal outdoor sales/display area.
35. Drainage must enter and exit the site in the same quantity and manner as under existing conditions. Flows may not be concentrated so as to cause adverse effects upon adjacent properties, including public rights-of-way, roadways, and the associated storm drainage systems.
36. Grading within twenty feet of Limberlost Drive and fifty feet of Neffson Drive must comply with the current differential grading criteria.
37. Implement controls to prevent the contamination of stormwater runoff from trash, open material storage, spills, applications of pesticides, fertilizers, soil amendments and/or other chemicals. Engineering plans shall reflect structural controls. Management controls shall be described in an operational Stormwater Pollution Prevention Plan. These plans will be reviewed and approved by Development.
38. "Safe by Design" concepts are to be incorporated in the development plan, and must be reviewed by the Tucson Police Department.
39. An archaeological assessment and survey shall be performed by a qualified archaeologist before any grading or other ground modification takes place. If cultural features or remains are found, testing and data recovery shall be completed as needed. Copies of testing plans, testing reports, data recovery plans and final reports shall be submitted to and approved by the City Historic Preservation Office prior to construction work commencing. If, during construction, human remains and associated burial items are discovered, ground disturbing activities in the vicinity of the discovery will cease, the discovery site will be secured, and the Arizona State Museum will be immediately notified as required under A. R. S. 41-865.
40. Any relocation, modification, etc., of existing utilities and/or public improvements necessitated by the proposed development will be at no expense to the public.
41. A building permit shall be obtained for the large retail establishment within five (5) years of the granting of the special exception.
42. All vehicular access points on Limberlost Drive shall be designed for right-out turning movements only.

Five (5) written approvals and three (3) written protests have been received. The approval/protest figures are provided for information purposes only.

11. **ZONING: (C9-02-24) MIRAMONTE HOMES – BROADWAY BOULEVARD, RX-1 TO R-1, ORDINANCE ADOPTION**
 - (a) Report from City Manager SEPT15-03-499 W2
 - (b) Ordinance No. 9894 relating to zoning: amending zoning district boundaries in the area located on the southeast corner of Houghton Road and Broadway Boulevard in Case C9-02-24, Miramonte Homes – Broadway Boulevard, RX-1 to R-1; and setting an effective date.
12. **ZONING: (C9-02-14) GENESEE – SILVERBELL ROAD, SR/SH TO R-1, ORDINANCE ADOPTION**
 - (a) Report from City Manager SEPT15-03-500 W1
 - (b) Ordinance No. 9895 relating to zoning: amending zoning district boundaries in the area located on the west side of Silverbell Road, south of Introspect Drive in Case C9-02-14, Genesee – Silverbell Road, SR/SH to R-1; and setting an effective date.
13. **ZONING: (C9-02-26) MONTEREY HOMES – GOLF LINKS ROAD, SR TO R-1, ORDINANCE ADOPTION**
 - (a) Report from City Manager SEPT15-03-501 W4
 - (b) Ordinance No. 9896 relating to zoning: amending zoning district boundaries in the area located at the northeast corner of Golf Links Road and Bonanza Avenue in Case C9-02-26, Monterey Homes – Golf Links Road, SR to R-1; and setting an effective date.
14. **ZONING: (C9-01-03) ASSISTANCE LEAGUE – ALVERNON WAY, R-3 TO C-1, ORDINANCE ADOPTION**
 - (a) Report from City Manager SEPT15-03-503 W6
 - (b) Ordinance No. 9897 relating to zoning: amending zoning district boundaries in the area located on the southwest corner of Fairmount Street and Alvernon Way in Case C9-01-03, Assistance League – Alvernon Way, R-3 to C-1; and setting an effective date.
15. **APPOINTMENTS TO BOARDS, COMMISSIONS AND COMMITTEES**
 - (a) Report from City Manager SEPT15-03-487 CITY-WIDE

16. CALL TO THE AUDIENCE

At this time, any member of the public is allowed to address the Mayor and City Council on *any issue*. Pursuant to the Arizona Open Meeting Law, individual Council Members may ask the City Manager to review the matter, ask that the matter be placed on a future agenda, or respond to criticism made by speakers. However, the Mayor and Council may not discuss or take legal action on matters raised during "call to the audience."

17. ADJOURNMENT

The next regularly scheduled meeting of the Mayor and Council will be held on Monday, September 22, 2003, at 7:30 p.m. in the Mayor and Council Chambers, City Hall, 255 W. Alameda, Tucson, Arizona.